

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336623133US, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 7, 2004 Signature: Tia Zimmerman

Tia Zimmerman

Docket No.: 229752001500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Charles A. COLLYER et al.

Application No.: 09/980,370

Confirmation No.: 1330

International

Art Unit: 1653

Filing Date: May 26, 2000

For: METHOD OF PROPHYLAXIS AND
TREATMENT AND AGENTS USEFUL FOR
SAME

Examiner: R. Mondesi

**AMENDMENT AFTER FINAL UNDER 1.116 AND
REQUEST FOR RECONSIDERATION OF THE FINALITY OF THE OFFICE ACTION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Final Office Action dated November 7, 2003 (Paper No. 20031028) for which a response was due on February 7, 2004, and for which a three-month extension of time is requested in the accompanying Petition for Extension of Time from February 7, 2004 to May 7, 2004. Accordingly this response is timely filed.

Applicants submit that the present Office Action is the first action on the merits for this application and the designation of the action as a Final Office Action is improper.

Reconsideration is respectfully requested in view of the following amendments and remarks.